

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DONALD MONTGOMERY, ANDREW CARTER,
LOIS REID, KARL BECHLER, and “M.M.,” as
individuals, and on behalf of all other persons similarly
situated,

Plaintiffs,

- against -

ANDREW M. CUOMO, Governor of the State of New
York; ANN MARIE T. SULLIVAN, Commissioner of
the New York State Office of Mental Health;
MICHAEL C. GREEN, Executive Deputy
Commissioner of the New York State Division of
Criminal Justice Services; JOSEPH A. D’AMICO,
Superintendent of the New York State Police;
VINCENT F. DEMARCO, Suffolk County Sheriff’s
Department; and EASTERN LONG ISLAND
HOSPITAL,

Defendants.

14-cv-06709-CJS

REPLY DECLARATION OF WILLIAM J. TAYLOR, JR.

WILLIAM J. TAYLOR, JR., an attorney duly admitted to practice before this Court,
declares, pursuant to 28 U.S.C. § 1746, as follows:

1. I am an Assistant Attorney General in the office of ERIC T. SCHNEIDERMAN,
Attorney General of the State of New York, attorney for defendants Andrew M. Cuomo,
Governor of the State of New York; Ann Marie T. Sullivan, Commissioner of the New York
State Office of Mental Health; Michael C. Green, Executive Deputy Commissioner of the New
York State Division of Criminal Justice Services; and Joseph A. D’Amico, Superintendent of the
New York State Police (collectively, the “State Defendants”) in the above-captioned action.

2. I submit this reply declaration in further support of the State Defendants’ motion,
pursuant to Rules 12(b)(1), 12(b)(3), and 12(b)(6) of the Federal Rules of Civil Procedure and 28

U.S.C. §§ 1406(a) and 1404(a), to dismiss with prejudice plaintiffs’ Amended Complaint, dated February 2, 2015, or, alternatively, to transfer this case to the Northern or Eastern District of New York; in further support of the State Defendants’ motion to file under seal temporarily; and in opposition to plaintiffs’ cross-motion, dated March 13, 2015, for the limited purpose of providing the Court with true and accurate copies of the following documents referenced in the accompanying (i) Reply Memorandum of Law in Support of State Defendants’ Motion to Dismiss the Amended Complaint or, Alternatively, to Transfer Venue, dated March 30, 2015, and (ii) Reply Memorandum in Further Support of the State Defendants’ Motion to File Under Seal Temporarily and in Opposition to Plaintiff’ Cross-Motion for Various Relief, dated March 30, 2015:

Exhibit	Exhibit Description
39	Governor’s Memorandum in Support of Program Bill No.1, the Secure Ammunition and Firearms Enforcement Act of 2013 (the “SAFE Act”), dated Jan. 2013.
40	New York State Assembly Memorandum in Support of Legislation, A. 2388, the SAFE Act, dated Jan. 2013.
41	New York State Senate Introducer’s Memorandum in Support, S. 2230, the SAFE Act, dated Jan. 2013.
42	Transcript of the New York State Senate Debate on the SAFE Act, Jan. 14, 2013.
43	Congressional Research Service Report, R43040, <i>Submission of Mental Health Records to NICS and the HIPAA Privacy Rule</i> (2013).
44	Seena Fazel <i>et al.</i> , <i>The Population Impact of Severe Mental Illness on Violent Crime</i> , 163 Am. J. Psychiatry 1397 (Aug. 2006).
45	R.A. Friedman, M.D., <i>Violence and Mental Illness – How Strong Is the Link?</i> , New England J. Med. 2064 (2006).
46	Frederick E. Vars & Amanda Adcock Young, <i>Do the Mentally Ill Have a Right to Bear Arms?</i> , 48 Wake Forest L. Rev. 1 (2013).

Exhibit	Exhibit Description
47	L.E. Saltzman <i>et al.</i> , <i>Weapon Involvement and Injury Outcomes in Family and Intimate Assaults</i> , 267 JAMA 22 (1992).
48	M. Miller & D. Hemenway, <i>Guns and Suicide in the United States</i> , 359 New England J. Med. 989 (2008).
49	J.R. Simpson, <i>Bad Risk? An Overview of Laws Prohibiting Possession of Firearms by Individuals with a History of Treatment for Mental Illness</i> , 35 J. Am. Acad. Psychiatry Law 330 (2007).
50	M.A. Ilgen <i>et al.</i> , <i>Mental Illness, Previous Suicidality, and Access to Guns in the United States</i> , 59 Psychiatric Service 198 (2008).
51	Jeffrey W. Swanson <i>et al.</i> , <i>Preventing Gun Violence Involving People with Mental Illness, in Reducing Gun Violence in America: Informing Policy with Evidence and Analysis</i> 33 (Daniel W. Webster & John S. Vernick eds., 2013).
52	George F. Parker, M.D., <i>Application of a Firearm Seizure Law Aimed at Dangerous Persons: Outcomes from the First Two Years</i> , 61 Psychiatric Services 478 (2010).

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: New York, New York
March 30, 2015

/s/ William J. Taylor, Jr.
William J. Taylor, Jr.